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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,523

06/19/2007

Shinya Shirasaki

DC10023US (71,051-069)

6866

27305

7590

03/30/2010

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EXAMINER

NELSON, LINDSAY ANN

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,523	Applicant(s) SHIRASAKI ET AL.	
	Examiner LINDSAY NELSON	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Terminal Disclaimer

The terminal disclaimer filed on 01/08/2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/546746 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirasaki et al, WO 2004/074378 (Equivalent of US 2007/0015868, hereinafter Shirasaki).

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4. Regarding claims 1-6, 8-9, 11-15, 17-18, and 20, Shirasaki discloses a method of manufacturing a silicone rubber, which may be made into a sponge [0029] comprising

(1-1) preparing an aqueous dispersion of a filler composed of 10-300 parts by weight (pbw) of water that contains a water-soluble polymer (E), 1-40 pbw of a finely powdered silica filler (B), 0-500 pbw of a conductive filler and 0-500 pbw of a non-conductive inorganic filler (D), the total of these parts to fall within the range of 1-500 pbw and

(1-2) preparing an aqueous emulsion by stirring and mixing the above components with

- a. 100 pbw of an organopolysiloxane (A) that contains in one molecule at least two silicon-bonded alkenyl groups and that has a viscosity of 100-500,000 mPa·s at 25° C
- b. 0.1-10 pbw of an emulsification agent (F) and
- c. A curing agent (G)

(2-1) curing the aqueous emulsion, forming a wet silicone-rubber like cured body, and then removing the water or

(2-2) dehydrating and curing the aqueous emulsion [0007].

Shirasaki further discloses the curing agent (G) used is preferably a platinum type catalyst which is used in combination with an organopolysiloxane that contains silicon-bonded hydrogen atoms [0019].

5. Furthermore, Shirasaki discloses the Practical Example 1 wherein an aqueous solution is prepared by adding 0.5% sodium polyacrylate to water, then

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50 parts of this were added with 1.0 part of fumed silica, 10 parts of acetylene black, which is then stirred and mixed. 100 pbw of a copolymer of methylvinylsiloxane and a dimethylsiloxane having both molecular terminals capped with trimethylsiloxy groups, which have a viscosity of 40,000 mPa·s at 25° C, 1.0 part of a polyoxyethylene dioleate, and 0.5 part of polyoxyethylene dioleate were then added to the above dispersion and stirred. This was then added to a container, and 1.0 part of dimethylsiloxane methylhydrogensiloxane copolymer capped at both ends with trimethylsiloxy groups (0.8% silicon bonded hydrogen atoms), 0.1 part of a complex of chloroplatinic acid and 1,3-divinyltetramethyldisiloxane, and 0.1 part of 3,5-dimethyl-1-hexyne per 100 parts of the dimethylsiloxane methylhydrogensiloxane copolymer were added to the container. This was then stirred, and deaerated, cured at 90° C for 10 minutes and then heated to 150° C to dry, which reads on the claimed composition and method of making.

6. Regarding claims 7, 10, 16 and 19, Shirasaki further discloses that the water-soluble polymer (E) should be added in an amount of 0.1 to 5 wt %, preferably 0.5 to 3 wt. %, per amount of water, which reads on the claimed addition of water-soluble polymer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY NELSON whose telephone number is (571)270-7735. The examiner can normally be reached on M-Th, 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

/RANDY GULAKOWSKI/
Supervisory Patent Examiner, Art Unit 1796